

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>JEFFREY STUCHELL,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 67515</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 25, 2016, Diane M. DeVries and Debra A. Baumbach presiding. Petitioner appeared *pro se*. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**11896 W. Radcliff Avenue, Morrison, Colorado  
Jefferson County Schedule No.133512**

The subject property consists of a 2,192 square foot two story home built in 1976. The home includes three bedrooms, two full bathrooms and one-half bath. The property also includes a 676 square foot basement with 270 square feet of finish. Other amenities include: a fireplace, front and rear porches and an attached two-car garage. The lot size is reported to be approximately 8,700 square feet and backs to a greenbelt area.

Petitioner is requesting an actual value of \$193,000 for the subject property for tax year 2015. Respondent assigned a value of \$231,000 for the subject property for tax year 2015.

Petitioner, Mr. Stuchell, did not present any comparable sales; instead, he testified that the property suffered from significant damage and deferred maintenance that Respondent insufficiently accounted for in its valuation analysis. Petitioner offered Exhibit 1, including photos of the subject and an itemized list of repairs and remodeling items needed to bring the property to the condition of

the comparable sales used by Respondent. Petitioner estimated a total cost of \$145,686.58 based on the Home Advisor program designed for direct cost estimations. In addition to the subject's inferior condition, Petitioner contended the property was adversely impacted by the location backing to a drainage area located in a flood zone requiring additional flood insurance.

Mr. Stuchell testified that he purchased the property in 2012 for \$193,000 as a short sale. Petitioner presented an *Affidavit of Arm's Length Transaction for Short Sale* (Exhibit 1) stating that the property was listed on the open market and was an arm's length transaction. Mr. Stuchell stated that although he has painted several rooms and made some minor repairs since the purchase, the purchase price still represented market value for the subject and that based on the property's poor condition and location, the property's value should not exceed the purchase price.

Petitioner is requesting a 2015 actual value of \$193,000 for the subject property.

Respondent presented a value of \$255,000 for the subject property based on the market approach. Respondent's witness, Mr. Vic Galluzzo, Certified Residential Appraiser with the Jefferson County Assessor's Office, presented four comparable sales ranging in sale price from \$245,200 to \$287,500 and in size from 1,740 to 2,072 square feet. After adjustments were made for time, market conditions (closing costs and discount points), square footage, location, room count, basement area, finish and kitchen updates, the sales ranged from \$242,100 to \$263,000. Respondent concluded to a value of \$255,000 for the subject for tax year 2015.

Mr. Galluzzo testified that he performed an exterior inspection from the street and was not granted interior access. Mr. Galluzzo stated that he was unaware of the condition of the property and conceded that had he known of the subject's condition, he might have made additional adjustments. Mr. Galluzzo disagreed with Petitioner's assertion that the subject property was negatively affected by a 100-year flood zone. After thorough research, he found that a portion of the subject's rear yard backs to a 500-year flood zone which, in his opinion, did not negatively impact the subject's value or marketability.

Respondent assigned an actual value of \$231,000 to the subject property for tax year 2015.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence..." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo.2005). After careful consideration of the testimony and exhibits presented at the hearing, the Board concludes that Respondent's comparable sales and adjustments accurately represent market value for the subject property. However, the Board finds Petitioner's testimony and evidence credible regarding the condition of the property and agrees that an additional adjustment is warranted.

Based on the review and consideration of the evidence provided by Petitioner, including photographs of the subject and estimated costs of repairs, the Board applied an adjustment of

\$25,000 to each of Respondent's four sales and concluded to a value of \$220,000 reflecting the lower end of the value range. The Board found some of Petitioner's repair estimates were somewhat high and included remodeling costs. Finally, Petitioner did not provide the Board with sufficient market evidence to support a negative flood zone adjustment. The Board was not convinced that the subject's location in relation to a flood zone has negatively affected the subject's value.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$220,000.

**ORDER:**

Respondent is ordered to reduce the 2015 actual value of the subject property to \$220,000. Jefferson County Assessor is directed to change his/her records accordingly.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

**DATED and MAILED** this 3rd day of March, 2016.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*

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Diane M. DeVries

I hereby certify that this is a true  
and correct copy of the decision of  
the Board of Assessment Appeals.

*Milla Lishchuk*

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Milla Lishchuk

*Debra A. Baumbach*

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Debra A. Baumbach

